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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,592	06/27/2003	Melur K. Raghuraman	30835/154731	6008
45373 7590 10/02/2007 MARSHALL, GERSTEIN & BORUN LLP (MICROSOFT) 233 SOUTH WACKER DRIVE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER OSMAN, RAMY M	
			ART UNIT 2157	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/607,592	Applicant(s) <i>mn</i> RAGHURAMAN ET AL.	
	Examiner Ramy M. Osman	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is responsive to amendment filed on July 10, 2007, where applicant amended claims 2-5,13-17,25,29. Claims 1-31 are pending.

Drawings

2. The replacement drawing for figure 2 filed on 7/10/2007 is acknowledged and is acceptable.

Response to Arguments

3. Applicant's arguments filed 7/10/2007 have been fully considered but they are not persuasive.
4. Applicant amendments have not overcome the 101 non-statutory rejections. See rejection below for further clarification.
5. Applicant argues that the applied prior art App_trace does not teach "*a method for tracking completion of a request across a request identification boundary in a system including a trace log for recording stages of completing a request*".

In reply, these limitations have not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or

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structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

6: Applicant argues that App_trace applies to only one stage of the request and *does not encompass all stages of the request*.

In reply, it is noted that the features upon which applicant relies (i.e., all stages of the request) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, it is not even what “all stages of the request” means.

7. Applicant argues that App_trace does not *store any linking information*.

In reply, in figure 1 of App_trace, App_trace shows sequence numbers of the requests (i.e. 1,2,3,4...) in the “No” column. This sequencing is the linking information. Applicants claim language is broad and is broadly interpreted.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 13,25 and 29 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A statutory computer process is determined not by how the computer performs the process, but by what actions an actual computer will perform to achieve a practical application with a useful, concrete and tangible result. The claims are

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presented simply as a program per se which consists of software instructions without a physical tangible output result that is conveyed to a user in a real-world application of the tangible results.

For example in claim 25, the preamble states “instructions for generating...”. However, instructions in-and-of themselves have no ability to perform the claimed actions of “generating”, “performing” (as mentioned in claim 13), etc. The instructions must be embodied where they are executed by some type of processing system, and where the instructions enable the system to perform the actions (not the instructions perform the actions).

9. Furthermore, applicant is requested to change “computer-readable medium” to “computer-readable storage medium” in each of claims 13,25 and 29. This is because the Specification (on pg 10) defines computer readable medium as including communication medium which may embody signals (whereas signals do not fall within one of the statutory categories). Therefore, changing the claims to “storage medium” will overcome this portion of the 101 non-statutory rejection.

10. The above-mentioned requirements are necessary for the claim to be 101-compliant and for the claim to produce a useful, concrete and tangible result. (see MPEP 2106 Section IV. C.)

Claim Objections

11. Claims 13,25,29 objected to because of the following informalities: Remove the word “tangibly”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft (“ASP.NET QuickStarts Tutorial”, dated 2002).

14. In reference to claim 1, Microsoft teaches a method for tracking completion of a request across a request identification boundary in a system including a trace log for recording stages of completing a request, the method comprising:

first recording, within the trace log, a first event including a first request identification (page 1 and figure 1);

second recording, within the trace log, a second event including a second request identification (page 1 and figure 1); and

storing linking information, within the trace log marking a transition of the request identification from the first request identification to the second request identification (page 1 and figure 1).

15. In reference to claim 2, Microsoft teaches the method of claim 1 wherein the request identification boundary corresponds to processing the request by a first and a second server component (page 1 and figure 1).

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16. In reference to claim 3, Microsoft teaches the method of claim 1 wherein the request identification boundary corresponds to processing the request by a first and a second thread (page 1 and figure 1).

17. In reference to claim 4, Microsoft teaches the method of claim 1 wherein the request identification boundary corresponds to changing a request identification while completing a same transaction arising from the request (page 1 and figure 1).

18. In reference to claim 5, Microsoft teaches the method of claim 1 wherein the request identification boundary corresponds to transferring a request from a first machine to a second machine (page 1).

19. In reference to claim 6, Microsoft teaches the method of claim 1 further comprising the step of correlating, by a consumer utility, the first and second events to the request using the linking information (page 1).

20. In reference to claim 7, Microsoft teaches the method of claim 6 further comprising applying by the consumer utility, a set of trace records for the request, including event records for the first and second events, to a state machine (page 2 and figure 2).

21. In reference to claim 8, Microsoft teaches the method of claim 7 wherein the state machine models a sequence of events corresponding to a composite request (pages 2-4).

22. In reference to claim 9, Microsoft teaches the method of claim 7 wherein an event type value is stored for each recorded event and wherein the event type value directs progression of the state machine (pages 2-4).

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23. In reference to claim 10, Microsoft teaches the method of claim 1 wherein the storing linking information step is performed after the first recording event and before the second recording step (pages 2-4).

24. In reference to claim 11, Microsoft teaches the method of claim 1 wherein the linking information comprises a request identification transition event record, and wherein the request identification transition event record includes: a transition event identifier, the first request identification, and the second request identification (pages 2-4).

25. In reference to claim 12, Microsoft teaches the method of claim 1 wherein the first recording step and second recording step each comprises storing a timestamp corresponding to the first and second events, respectively (pages 2-4).

26. In reference to claims 13-24, 25-28 and 29-31, these claims respectively teach an event framework, an event utility, and an event record provider which all correspond to the method claims of claims 1-12. Therefore, claims 13-24, 25-28 and 29-31 are rejected based upon the same rationale as the above rejections of claims 1-12.

Conclusion

27. The claims are interpreted with their broadest reasonable interpretation. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and priority documents) is implied as being applied to teach the scope of the claims.

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28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
September 26, 2007


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